English Learner Program

Entrance and Exit Protocol

MICHIGAN
Department of Education

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For questions on the Entrance and Exit Protocol, contact: MDE-EL@michigan.gov

Introduction

English Learner Teachers and Administrators,

The Michigan Department of Education (MDE) supports the efforts of Local Educational Agencies (LEAs) in planning, implementing, and evaluating high-quality instructional programs designed to prepare English Learners (ELs), including immigrant children and youth, to enter English only instructional settings. ELs bring unique strengths, enrich classrooms and school districts' demographic composition, and face some linguistic and acculturation challenges. Meeting the needs of ELs is the outcome of a well coordinated and collaborative effort of administrators, teachers, and support staff in each school building, across your district and statewide.

There were inconsistencies across the state in terms of the process LEAs use when determining EL eligibility for English language acquisition programming. This situation violated several federal requirements and forced MDE to take a proactive approach. In 2011, MDE worked closely with the Title III/EL Advisory Committee to select common program entrance and exit protocol requirements. Development of this protocol was guided by the ruling in Lau vs. Nichols; the Elementary and Secondary Act (ESEA) as amended by the Every Students Succeeds Act (ESSA), including Title I, Part A, Title III (EL and Immigrant); and Title VI of the Civil Rights Act of 1964. The committee sought input from staff at various LEAs and Intermediate School Districts (ISDs), finalized procedures for common statewide Entrance and Exit Protocol (EEP), and included the feedback in this document.

The purpose of the common Entrance and Exit Protocol is to:

- adhere to and apply federal requirements
- provide a uniform and consistent method for determining eligibility for English Learner services to students who are identified as potentially EL, based on the Home Language Survey across Michigan schools
- ensure that ELs are able to demonstrate proficiency in English before they are exited from bilingual/ESL services and programs

This EEP will enable all districts to uniformly determine students' initial eligibility for EL services and exit or reclassify students as Former English Learners (FEL). Specific instructional programming for the three levels of EL service—basic/core, language assistance program (LAP) and supplemental services—will continue to be defined by the student's LEA, which is responsible for compliance with all federal and state requirements.

The EEP constitutes the official MDE guide for identifying and placing English learners in local English Language Acquisition, LAP/EL supplemental services, as well as for exiting them from such programs. Since the beginning of the 2012/2013 school year, the Michigan Department of Education has expected all teachers and administrators to adhere to the protocol and procedures delineated in the EEP document. Our EL team will continue to provide professional learning and support to the local programs in order to ensure full implementation of the required procedures.

The Michigan Department of Education Office of Educational Supports thanks and acknowledges all those who contributed to the development, review, completion, and ongoing revisions of this statewide common EEP document. A list of the current EL Advisory Committee members as well as the original 2012 committee members who were instrumental in providing feedback and suggestions toward completing this important document is included in the Appendix.

We look forward to a strong partnership with you that leads to improved programs for ELs in each and every classroom and district.

Sincerely,

Office of Educational Supports and the Michigan Department of Education EL Team

History of Michigan's EEP Revisions

September 2013

Michigan's English Learner Entrance and Exit Protocol was updated to reflect the transition to the W-APT and WIDA assessments for the 2013-2014 school year.

January 2015

Michigan's English Learner Entrance and Exit Protocol was updated to reflect current state assessment language, the inclusion of the language of mathematics as an assessed WIDA standard, and the additional guidance issued on January 7, 2015 by the Department of Justice (DOJ)/United States Department of Education (USED), and the Office of Civil Rights (OCR).

May 2016

Michigan's English Learner Entrance and Exit Protocol was updated to reflect changes in the kindergarten entrance protocol and the use of local assessments for exiting purposes as recommended by the EL Advisory Committee in March 2016.

August 2017

Michigan's English Learner Entrance and Exit Protocol was updated by MDE and its EL Advisory Committee representatives to align with the new WIDA standard-setting cut scores.

October 2017

Michigan's English Learner Entrance and Exit Protocol was updated to reflect the change in the name of the W-APT to the WIDA Screener for grades 1-12. The Entrance and Exit Protocol Legal Context Section was updated to reflect new ESSA language. Changes were made to the Entrance and Exit grade level bands to accommodate MCL.380.1280f, commonly referred to as the Third Grade Reading Law. The K-3 state-approved local reading assessments were updated throughout the Entrance Protocol to align with the current list of initial assessments LEAs will use in accordance with the Third Grade Reading Law. The list of initial assessment can be found at https://www.michigan.gov/documents/mde/17-18_Initial_Assessment_List_560866_7.pdf. Additionally, the WIDA Screener Out-of-State Scores information was updated to ensure inclusion in the accountability measures. LEAs are now asked to enter the WIDA Screener results obtained from out of state in the MDE Office of Educational Assessment and Accountability (OEAA) Secure Site. The requirement to screen and place students within 30 days, or 10 days after enrollment during the school year, did not change. This information is found in the subsection "Out-of-State Scores" in this document under Entrance Protocol, Additional Considerations.

August 2020

Michigan's English Learner Entrance and Exit Protocol was updated by MDE to reflect the updated exit criteria and auto exit process. English Language Arts assessment criteria were removed with this update. Prekindergarten/preschool identification was removed, and separate guidance will be issued in 2020-2021.

Entrance and Exit Protocol Legal Context

English Language Proficiency

A wealth of legal reference to English learners addresses a variety of topics, including identification of ELs, and their instructional service and support. Three references that relate directly to the assessment of ELs are detailed below.

Title IX of the Elementary and Secondary Education Act (ESEA), as amended by the ESSA, includes the definition of English Learner, which identifies those students to whom Title I and Title III requirements apply. The EDFACTS 2019 publication provides additional guidance on the interpretation of the ESEA/ESSA law.

Legal Definition

The term "Limited English Proficient" (English Learner), when used with respect to an individual, means an individual:

(A)   Who is age 3 - 21;

(B)   Who is enrolled or preparing to enroll in an elementary school or secondary school;

    (i)   Who was not born in the United States or whose native language is a language other than English;

        I.   Who is a Native American, Alaska Native, or a native resident of the outlying areas; and

        II.   Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

    (iii)   Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D)   Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

    (i)   The ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

    (ii)   The ability to successfully achieve in classrooms where the language of instruction is English; or

    (iii)   The opportunity to participate fully in society.

ESEA Section 8101(20)

To be classified as an English Learner: an individual must be A, B, C, and D. For C, an individual can be i, ii, or iii. For C-ii, the individual must be I and II. For D, an individual must be denied i, or ii, or iii.

EDFACTS, 2019

Note

The term "Limited English Proficient" (LEP) is a historic term used to identify individuals described above; "EL" is the currently accepted term and is therefore used throughout this document. The use of EL is meant to counter the negative connotations of Limited English Proficient.

Title I, Part A Section 1111: State Plans

Legal Requirements

The Title I law requires that all EL students are assessed annually.

(b) Challenging Academic Standards and Academic Assessments—

(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State

will provide for an annual assessment of English proficiency of all English learners in the schools served by

the State educational agency.

(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(F).

ESEA Title I, Section. 1111(b)(2)(G)

Title III Section 3116: Local Plans

Legal Requirements

Title III law requires local Title III plans to include effective practices that ensure EL students acquire English Language Proficiency and achieve the state academic standards.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(1) describe the effective programs and activities, including language instruction educational programs, proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the challenging State academic standards;

(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in—

(A) achieving English proficiency based on the State's English language proficiency assessment under section 1111(b)(2)(G), consistent with the State's long-term goals, as described

in section 1111(c)(4)(A)(ii); and

(B) meeting the challenging State academic standards;

(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

(4) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;

(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;

(C) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and

(D) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.

ESEA Title III, Section. 3116(b)(1-4)

Language Assistance Program Services

"Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

From the Office of Civil Rights
May 25, 1970 Memorandum

Students who meet the protocol requirements to qualify as an English Learner must be provided **language assistance program (LAP) services**, in addition to the **basic/core** education services (adopted by the local board of education) that all students in the LEA receive. These LAP services must provide meaningful access to the core curriculum and provide direct English language instruction.

The intensity of LAP services provided is directly related to the individual student's level of proficiency. The lower a student's level of English proficiency, the more intense his or her LAP services should be. The LAP services include research-based models such as bilingual education, English as a Second Language (ESL) programs, and/or sheltered instruction. These federally required LAP services ensure that ELs have equitable access to the basic curriculum adopted by the local board of education and provided to all students, and that they acquire English language proficiency.

To meet their obligations under Title VI of the Civil Rights Act of 1964 and Equal Educational Opportunity Act (EEOA), LEAs must:

- identify and assess all potential EL students in a timely, valid, and reliable manner; and
- provide EL students with a language assistance program that is educationally sound and proven successful, consistent with the 5th Circuit Court ruling in Castañeda v. Pickard and the US Supreme Court decision in Lau v. Nichols

Based on Castañeda vs. Pickard, three guiding questions are considered when designing language assistance program services:

- Is the programming based on **sound educational theory**?
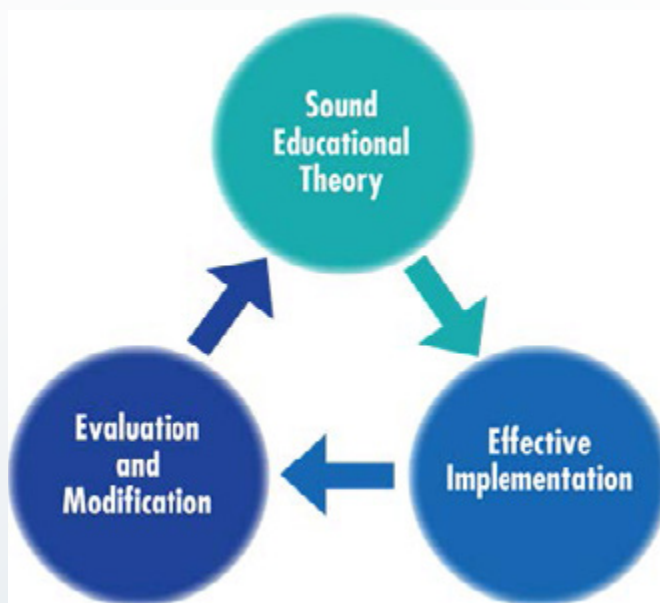
- Is the program designed for **effective implementation** including, but not limited to adequate support, staffing, and resources?
- Is the program regularly **evaluated and modified** based on the findings?

Language Assistance Program

Under Title VI and the EEOA, LEAs must provide ELs with appropriate LAP services. In order to meet the supplement not supplant federal requirements, this Language Assistance Program (LAP) must be provided by the LEA's general funds (ESEA 3115g).

Supplemental Services

Supplemental services are provided from other state and federal funds, such as Title I, Part A, Section 31a At-risk Program; Section 41 Bilingual Education; Title III (EL & Immigrant); and Title I, Part C (Migrant).

Title III Supplemental Services are referred to as the Language Instruction Educational Program (LIEP). ESSA defines the services as an instruction course into which an English Learner is placed for the purpose of developing and attaining English proficiency while meeting challenging state academic standards. The program may make instructional use of both English and the child's native language to develop and attain English proficiency. The program may include the participation of English-proficient children if such course is designed to enable all participating children to become proficient in English and a second language. (ESEA Section 3201[7]).

These supplemental services may be identified through the Multi-Tiered System of Supports (MTSS) and include additional direct English language development and/or additional instructional support to ensure content area curriculum is meaningful, accessible, and comprehensible. Allowable activities vary by each funding source after evidence of providing LAP services from general funds.

Guiding Principles for Designing Language Assistance Program Services

Guiding Principles

The following commonly recognized guiding principles should be considered when designing a LAP, Title III services, and any other supplemental services provided to English learners.

Native language proficiency contributes to second language acquisition. Literacy in the native language correlates positively with literacy in the second language. The knowledge and skills for academic content in one language, in addition to the transferable aspects of the language, are applied to the acquisition of English and the continued learning of new content.

Language is functional. Developing accurate and fluent Basic Interpersonal Communication Skills (BICS) in listening, speaking, reading, and writing in English is essential for students to function proficiently in social situations, and for them to learn challenging academic content throughout the curriculum (Cognitive Academic Language Proficiency – CALP).

Language processes develop interdependently. The acquisition of language skills (listening, speaking, reading, and writing) occurs simultaneously and interdependently as learners use English effectively in a variety of social and academic settings.

Language acquisition occurs through meaningful use and interaction. English learners must have multiple authentic opportunities to use language to interact with others as they study meaningful and intellectually challenging content and to receive feedback on their language use.

Language acquisition is a long-term process. Language acquisition occurs over time, with learners moving through developmental stages and gradually growing in proficiency at variable rates. Students may learn conversation skills related to social language more quickly than they acquire academic skills.

Language learning is cultural learning. Learning a new language is to learn a new culture. Patterns of language usage vary across cultures and reflect differences in values, norms, and beliefs about social roles and relationships in each culture.

Entrance Protocol
Entrance Protocol and Flowchart for Determining Eligibility for English Learners Services

Entrance Protocol	Kindergarten (including Young 5s) before December 1	Kindergarten after December 1	First Grade before December 1	First Grade after December 1 through Twelfth Grade
W-APT Score	Student scores below Exceptional (29) on the **listening** and **speaking** domains. (See TABLE 1A.)	Student scores below Exceptional (29) on the **listening** and **speaking** domains; Or scores below 13 on the **reading** domain; Or scores below 15 on the **writing** domain. (See TABLE 1B.)	Student scores below Exceptional (29) on the **listening** and **speaking** domains; Or scores below 13 on the **reading** domain; Or scores below 15 on the **writing** domain. (See TABLE 2.)	Student scores below 5.0 on **one or more** domains. **No Rounding.** Use the hand scoring guide or online calculator. (See TABLES 3 and 4.)

NOTE: LEAs must notify parents or guardians of an EL not later than 30 days after the beginning of the school year of the student's identification for participation in such a program, or within ten school days for children who have not been identified as ELs prior to the beginning of the school year. See ESEA Section 1112(e)(3)(A-B).

YES: LEA places eligible students in the English Learner program and, based on a review of the English proficiency and achievement data, determines the intensity of EL services provided to each student.

NO: Student is not enrolled in the English Learner program and is monitored regularly through established LEA procedures used to monitor the achievement of all students. Students may be enrolled at a later date if they fail to progress and meet the entrance protocol requirements.

Entrance Protocol Overview

Potential English learners are first identified by the Home Language Survey (HLS). Locate the State Board of Education approved HLS under **Resource Materials** at the MDE English Learner website: MDE English Learner Program (www. michigan.gov/MDE-EL).

K-12 Students

New students entering kindergarten through twelfth grade, including students who were previously enrolled in other states, are tested using the Kindergarten W-APT or the WIDA Screener. If the student was enrolled in another Michigan district, results from the spring WIDA ACCESS for ELLs from the previous year's cycle are reviewed. Potentially eligible EL students who score below the levels indicated in TABLES 1A, 1B, 2, 3, and 4 on the Kindergarten W-APT or WIDA Screener are eligible for the EL program.

Students are not found eligible as ELs if they exceed the Kindergarten W-APT or WIDA Screener or WIDA ACCESS for ELLs levels, as shown in TABLES 1A, 1B, 2, 3, and 4. A student who is not found eligible as an EL is monitored regularly through established district procedures used to monitor the achievement of all students. Students may be identified as an EL at a later date if they fail to progress and fall below the Entrance Protocol requirements.

Kindergarten before December 1

All kindergarten students who indicate a language other than English on the HLS and who enroll before the first day of December **must be** assessed using the Kindergarten W-APT in the two available domains of listening and speaking.

Kindergarten students qualify as ELs if the criteria below apply:

- the HLS lists a language other than English, **and**
- the student scores below "exceptional" on the W-APT combined Listening and Speaking domains,

TABLE 1A:

Kindergarten before December 1
Kindergarten W-APT
Student scores below Exceptional (29) on the **listening** and **speaking** domains.
(Kindergarten W-APT is reported in raw scores.)
(See **"NOTE on Potentially Eligible Kindergarten Students"** section below, regarding those who do not qualify as EL. Additional monitoring is required.)

When possible, LEAs will use the listening and speaking results, combined with developmentally appropriate assessments of the student's native and English language proficiency as well as their performance on a reading and writing assessments, to determine the intensity of the student's LAP and other supplemental services.

A kindergarten student will **not** qualify as an EL if the student achieves "exceptional" on the Kindergarten W-APT combined Listening and Speaking domains. Such a kindergarten student is **not reported in MSDS** as an EL and **remains potentially eligible** until the mid-year or winter the reading and writing domains of the Kindergarten W-APT are administered.

NOTE on Potentially Eligible Kindergarten Students

Potentially eligible kindergarten students who achieve "exceptional" on the Kindergarten W-APT **must** be assessed using the reading and writing domains of the Kindergarten W-APT **prior to January 31**. At that time, kindergarten students who score below a 13 on the Kindergarten W-APT reading or below a 15 on the Kindergarten W-APT writing are **identified** as ELs and **reported** as ELs in MSDS. They are **required** to take WIDA ACCESS for ELLs in the spring of the same school year.

A kindergarten student who scores **at or above a 13** on the Kindergarten W-APT reading **and at or above a 15** on the K W-APT writing, does **not** qualify as an English Learner, is **not** reported in MSDS as an English Learner, and does **not** take the spring WIDA ACCESS for ELLs assessment.

Reminder: LEAs must screen potentially eligible students with Kindergarten W-APT, even if a parent or guardian requests that their child "opt out" of the LAP/EL supplemental services. Parents may opt-out of LAP/EL supplemental services only after eligibility for EL services has been determined.

Students whose parents requested to opt-out from EL services must be monitored to ensure they reach adequate progress via other district resources and services. Since these students qualify as English learners and are classified as EL until they exit, they must be monitored similarly to exited Former English Learner (FEL) students. Please see DOJ/OCR Dear Colleague Letter: English Learners and Limited English Proficient Parents, January 2015 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf), for more information about this and other EL services guidance.

TABLE 1B:

Kindergarten after December 1
Kindergarten W-APT
Student scores below Exceptional (29) on the **listening** and **speaking** domains;
Or scores below 13 on the **reading** domain;
Or scores below 15 on the **writing** domain.
(Kindergarten W-APT is reported in raw scores.)

Kindergarten after December 1

After the first day of December, kindergarten students, including Young 5s, are assessed in all four domains: listening, speaking, reading, and writing. They qualify for EL services if one of the following protocol requirements is met for entrance into the program: they receive a score below Exceptional (29) in listening and speaking; they score below 13 in reading, or score below 15 in writing on the Kindergarten W-APT. Entrance Protocol requirements for kindergartners after December 1 are summarized in TABLE 1B.

First Grade before December 1

Before December 1, first-grade students are assessed in all four domains using the Kindergarten W-APT: listening, speaking, reading and writing. The students qualify for EL services if one of the following protocol requirements is met for entrance into the program: they receive a score below Exceptional (29) in listening and speaking; they score below 13 in reading; or score below 15 in writing on the Kindergarten W-APT. Entrance Protocol requirements for first graders before December 1 are summarized in TABLE 2.

TABLE 2:

First Grade before December 1
W-APT
Student scores below Exceptional (29) on the **listening** and **speaking** domains;
Or scores below 13 on the **reading** domain;
Or scores below 15 on the **writing** domain.
(First Grade, before December 1, Kindergarten W-APT is reported in raw scores.)

First Grade after December 1

Students in first grade after December 1 qualify for EL services if the following protocol requirement is met for entrance into the program: the student scores below 5.0 (no rounding) in one or more domains (listening, speaking, reading, and writing).

TABLE 3:

First Grade after December 1
WIDA Screener
Student scores below 5.0 on **one or more** domains. **No Rounding.**

A student does not qualify for EL services if **all** of the following are true: the student scores at or above 5.0 in listening, at or above 5.0 in speaking, at or above 5.0 in reading, **and** at or above 5.0 in writing. The Entrance Protocol for first grade after December 1 is summarized in TABLE 3.

Second through Twelfth Grade

Students are eligible for EL services if the following protocol requirement is met for entrance into the program: the student scores below 5.0 (no rounding) on one or more domains (listening, speaking, reading and writing).

A student does not qualify for EL services if **all** of the following are true: the student scores at or above 5.0 in listening, at or above 5.0 in speaking, at or above 5.0 in reading, **and** at or above 5.0 in writing. The Entrance Protocol for second grade through twelfth grade is summarized in TABLE 4.

TABLE 4:

Second through Twelfth Grade
WIDA Screener
Student scores below 5.0 on **one or more** domains. **No Rounding.**

State-Approved Assessments

In order to ensure the use of multiple measures to drive instruction, LEAs are encouraged to administer one of the state-approved grade-level reading assessments (listed in TABLE 5 on page 14). If the district administers one of the approved reading assessments listed in TABLE 5, the district must administer all the reading subtests (including comprehension) that are part of the full assessment. The LEAs are also encouraged to review local writing assessments to determine each student's proficiency in writing and guide instruction.

These reading assessments are also recommended as resources for additional diagnostic information that may assist the LEA in determining placement in the language assistance program services (TABLE 5 on page 14).

Note: If an LEA is **not** currently using one of the alternative state-approved assessments listed in TABLES 5, it **may** be allowable to use Title III, Section 41 or 31a funds to purchase and administer this additional reading assessment. Supplemental funding like Title III funds may **not** be used to administer the annual WIDA ACCESS for ELLs or, Kindergarten W-APT, or WIDA Screener.

Additional Considerations

As districts apply the common Entrance Protocol, they may encounter the following special circumstances.

English Language Proficiency Interim Assessments

Interim assessments are an important tool for monitoring the progress of EL students in the area of English proficiency. The district may find that additional diagnostic information is needed to determine appropriate LAP services. TABLE 6 provides a list of off-the-shelf English Language Proficiency Assessments that are recommended for this purpose. These assessments **do not** replace the WIDA ACCESS for ELLs, Kindergarten W-APT, or the WIDA Screener.

WIDA ACCESS for ELLs and Kindergarten W-APT/WIDA Screener Out-of-State Scores

If a student has been assessed with the WIDA ACCESS for ELLs, Kindergarten W-APT, or the WIDA Screener in another state within the last 12 months and the scores are obtained by the receiving district within the allowable 2-week (10 days) window (or 30 school days from the start of school) ESEA Section 1112(e)(3)(A-B), the score may be used to determine eligibility within Michigan by applying the same EEP requirements. If WIDA ACCESS for ELLs results are not

Grade Level	Alternative State-Approved Reading Assessments and Sources of Additional Diagnostic Data
K–2	• AIMSWeb – both CBM and MAZE subtests DIBELS Next • Discovery Education Assessments • DRA: Developmental Reading Assessment version 2 • Fountas & Pinnell • iReady Diagnostic • MLPP: Michigan Literacy Progress Profile • NWEA: Northwest Evaluation Association • Star Early Literacy
3–5	• AIMSWeb – both CBM and MAZE subtests DIBELS Next • Discovery Education Assessments • DRA: Developmental Reading Assessment version 2 • Fountas & Pinnell • iReady Diagnostic • NWEA: Northwest Evaluation Association • QRI-5: Qualitative Reading Inventory Star Reading
6–12	• AIMSWeb – both CBM and MAZE subtests (6th–8th) • Discovery Education Assessments • DRA: Developmental Reading Assessment version 2 (6th–8th) • Fountas & Pinnell (6th–8th) • iReady Diagnostic • NWEA: Northwest Evaluation Association • PSAT or SAT • QRI-5: Qualitative Reading Inventory • Scantron Performance Series • SRI: Scholastic Reading Inventory • Star Reading

K-12 Proficiency Assessments
• LAS Links: Language Assessment Scales • WIDA MODEL (additional formative assessment; may NOT replace the WIDA ACCESS for ELLs , Kindergarten W-APT or the WIDA Screener.) • Woodcock Muñoz Complete Battery 2005/2010 Editions

acquired within the allotted timeframe, the student must be screened using the Kindergarten W-APT/WIDA Screener to determine eligibility according to the EEP requirements.

In-State Moves of EL Students

Once a student is identified as an EL, this information is added to the student's record in the Michigan Student Data System (MSDS). This EL designation is not district-specific. All LEAs must apply EEP requirements when making EL determinations, so when a student moves between LEAs, his or her EL designation remains the same.

In order to ensure timely entry into the LAP as well as appropriate placement and continuation of services, the receiving district must acquire the student's previous WIDA ACCESS for ELLs scores within 30 school days from the beginning of the school year or within 10 school days during the year—ESEA Section 112(e)(3)(A-B).

In-State Moves of Former English Learner (FEL) Students

If a student was exited by another district within the state of Michigan and then enrolls in a new district, the receiving district must continue the FEL monitoring procedures. It is the responsibility of the district in which the student is currently enrolled to ensure that the student continues to be successful after exiting the EL Program. The section of this document on FEL Monitoring Procedures provides additional guidance.

Students Who Do Not Qualify for the EL Program

A student who has been identified by the HLS for Kindergarten W-APT or WIDA Screener testing, scores at or above 5.0 on all four domains, and is at or above grade level in reading, does not qualify for the EL Program. This student is not coded in MSDS as FEL and does not take the annual WIDA ACCESS for ELLs in the spring. Such students are monitored

for academic achievement to ensure they do not experience future failures. The student may be identified for Title I, Part A, other services, or be re-evaluated for possible entry to the EL program at a later time.

Teacher input is an important factor in designing the language assistance program services and in determining what supplemental help a student may need. Documentation including concerns and subsequent follow-up is maintained in the district.

Opt-Outs

In accordance with federal law [ESEA 1112(e)(3)(A)(viii) and DOJ/OCR Dear Colleague Letter: English Learners and Limited English Proficient Parents, January 2015 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf)], parents or guardians have the right to opt out of the LAP services. Opting out of the LAP services can only occur **after** eligibility has been determined.

Students whose parents decline all LAP services provided by the district are considered to have opted out. Districts must have a formal procedure in place to ensure parents or guardians have been informed of their child's English language proficiency assessment data, the LAP services provided by the district, and the expected results of participation in the program.

Parents may choose to decline only some of the LAP services (such as "pull out" services) and continue to participate in programs such as supplemental EL after-school programs.

An English Learner who has opted out and declined **all** LAP services **must** be monitored regularly to ensure academic progress, must be provided adequate support to reduce any language barriers, and must still participate in the annual WIDA ACCESS for ELLs until meeting the exit protocol requirements. After meeting the exit protocol requirements, the student who has opted out is formally exited and receives the required FEL monitoring for four years as required by (ESSA 3121(a)(5)).

Content Area Support

The use of reading, writing, mathematics, science, and social studies assessment data in determining specific LAP services is highly recommended. If students are not meeting the state standards in one or more content areas, a designated LEA team should review multiple measures to determine the needs of the student in the content area.

This team should include, but not be limited to, a certified and endorsed Bilingual/ESL teacher. Suggested data measures include:
1. Quarterly local common assessment results
2. State assessments
3. Grades from standards-based assessments
4. Teacher input on student's mastery of content standards

Summary

Kindergarten through twelfth-grade students identified by the Home Language Survey must be screened using the Kindergarten W-APT or WIDA Screener. Students qualify for LAP/supplemental EL services if they do not obtain a score of at least 5.0 **each and every domain** (listening, speaking, reading, and writing).

Entrance Protocol Scenarios

The following scenarios are provided to assist in the application of the Entrance Protocol.

SCENARIO 1

A new student enrolled in December. The family indicated on the enrollment form that a language other than English was the native language of the child as well as the primary home language. This was the student's first entry into a United States school.

The district inquired about previous school history and learned from the family that the student was enrolled in school for two years in her home country. She can read in her first language and the parents reported she was very successful in school. She was in the second grade.

Action Taken: The district administered the WIDA Screener. The student scored 1.3 in listening, 1.2 in speaking, 1.0 in reading, and 1.0 in writing.

Result: The student qualified for LAP services since at least one of the protocol requirements was met: the student scored below 5.0 on one or more domains on the WIDA Screener. The district planned to administer a native language reading assessment to gather additional information on her content area achievement.

SCENARIO 2

A fourth-grade student enrolled in August in the same school he had attended since kindergarten. On the HLS, parents answered "a language other than English" to the question about native language, and "English" to the question about primary home language.

Action Taken: The EL Teacher reviewed the first HLS completed when the student was in kindergarten and found the district had failed to accurately assess him at that time. The EL Teacher administered the WIDA Screener, and the student scored 6.0 in listening and speaking, 5.8 in reading, and 5.7 in writing.

Result: The student is not eligible for LAP services since he surpassed all the eligibility protocol requirements.

SCENARIO 3

A new student enrolled in the sixth grade from another state in October. The family indicated on the HLS that the native language of the child was something other than English. The student has been in U.S. schools since kindergarten.

Action Taken: The district administered the WIDA Screener. The student scored 5.9 in listening, 5.9 in speaking, 5.1 in reading and 5.0 in writing.

Result: The student is not eligible for LAP services since he exceeded all of the protocol requirements. However, as part of the fall benchmarking process, the district administered the DRA2 Reading Assessment and learned that the student was one year below grade level in reading with patterns of limited vocabulary and comprehension. The district will provide reading interventions through the MTSS process.

SCENARIO 4

A ninth-grade student enrolled in District A from another Michigan school in District B in late August. On the HLS, the family indicated a language other than English was spoken in the home.

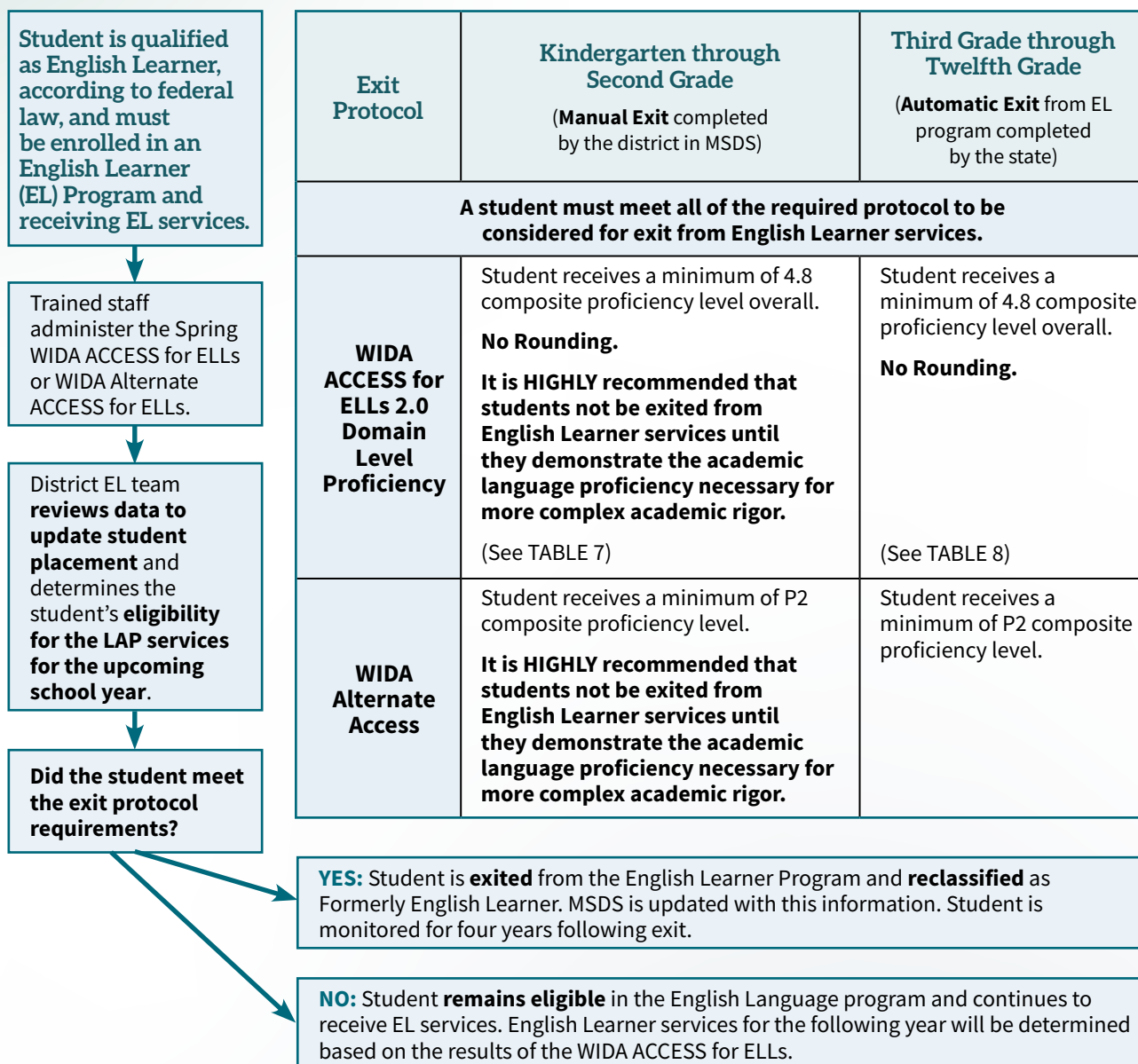**Action Taken:** District A contacted District B for the previous spring's WIDA results and the LAP/EL supplemental services information.

The student scored 4.5 Expanding on the spring WIDA. He received biweekly support from a certified and endorsed ESL teacher, and after-school tutoring during the previous school year.

Result: The student qualified for LAP/EL supplemental services since he met one of the protocol requirements.

Exit Protocol
Exit Protocol and Flowchart for Determining Exit from English Learners Services

Student is qualified as English Learner, according to federal law, and must be enrolled in an English Learner (EL) Program and receiving EL services.

↓

Trained staff administer the Spring WIDA ACCESS for ELLs or WIDA Alternate ACCESS for ELLs.

↓

District EL team **reviews data to update student placement** and determines the student's **eligibility for the LAP services for the upcoming school year**.

↓

Did the student meet the exit protocol requirements?

Exit Protocol	Kindergarten through Second Grade (**Manual Exit** completed by the district in MSDS)	Third Grade through Twelfth Grade (**Automatic Exit** from EL program completed by the state)
	A student must meet all of the required protocol to be considered for exit from English Learner services.	
WIDA ACCESS for ELLs 2.0 Domain Level Proficiency	Student receives a minimum of 4.8 composite proficiency level overall. **No Rounding.** It is HIGHLY recommended that students not be exited from English Learner services until they demonstrate the academic language proficiency necessary for more complex academic rigor. (See TABLE 7)	Student receives a minimum of 4.8 composite proficiency level overall. **No Rounding.** (See TABLE 8)
WIDA Alternate Access	Student receives a minimum of P2 composite proficiency level. It is HIGHLY recommended that students not be exited from English Learner services until they demonstrate the academic language proficiency necessary for more complex academic rigor.	Student receives a minimum of P2 composite proficiency level.

YES: Student is **exited** from the English Learner Program and **reclassified** as Formerly English Learner. MSDS is updated with this information. Student is monitored for four years following exit.

NO: Student **remains eligible** in the English Language program and continues to receive EL services. English Learner services for the following year will be determined based on the results of the WIDA ACCESS for ELLs.

Exit Protocol Overview

Each summer, after the administration of the annual WIDA ACCESS for ELLs, districts review the WIDA results to determine student placement in LAP services, to exit students who have met the protocol requirements, and to evaluate the effectiveness of the LAP services and supplemental EL services.

All English learners must receive scores in all four domains (listening, speaking, reading, and writing) on the spring WIDA ACCESS for ELLs administration in order to be considered for exit from EL services. Students are not exited by the Kindergarten W-APT or the WIDA Screener. Students are not exited if they do not meet all of the exit protocol requirements.

Students whose parents have chosen to **opt out** of some or all of the LAP/supplemental EL services must meet the exit protocol requirements to be considered for an exit.

TABLE 7:

Kindergarten through Second Grade (**Manual Exit** completed by the district in MSDS)
WIDA ACCESS for ELLs 2.0
Student receives a minimum composite score of 4.8 overall. **No Rounding.** **It is HIGHLY recommended that students not be exited from English Learner services until they demonstrate proficiency on the State Reading Assessment, M-STEP, in third grade.**
WIDA Alternate ACCESS for ELLs
Student receives a minimum composite score of P2 overall. **It is HIGHLY recommended that students not be exited from English Learner services until they demonstrate proficiency on the State Reading Assessment, M-STEP, or MI-Access in third grade.**

Kindergarten through Second Grade

LEAs are strongly encouraged to maintain the EL status of all students in kindergarten through second grade who qualify for EL services. Assessments administered below third grade may not reflect the cognitive and linguistic complexity needed to successfully demonstrate academic language proficiency. Therefore, to prevent premature exit from the EL program, which might make students susceptible to failure in a later grade, EL students **must** demonstrate proficiency with tasks that are more cognitively and linguistically complex and demanding.

If a district considers exiting at these grade levels, students must reach a composite score of 4.8 overall on the spring WIDA ACCESS for ELLs 2.0, or a P2 on the WIDA Alternate ACCESS for ELLs to be considered for exit. WIDA domain proficiency scores are used as a decimal and are **not rounded up**. LEAs must monitor English learners for four years and continue to provide the necessary support to them in the domain (listening, speaking, reading, and writing) if additional supports are needed. The Exit Protocol for kindergarten through second grade is summarized in TABLE 7.

LEAs are encouraged to continue to provide the LAP services until students have demonstrated proficiency in third grade on the WIDA ACCESS for ELLs or WIDA Alternate ACCESS. In lieu of exiting EL services, consultation by a certified and endorss provided to kindergarten through second-grade students who have met all the protocol requirements.

Third through Twelfth Grade

Students who receive a composite score of 4.8 or higher on the spring WIDA ACCESS for ELLs or received an overall score of P2 on the WIDA Alternate ACCESS for ELLs may exit EL services. WIDA domain proficiency scores are used as a decimal and not rounded up. LEAs must monitor English learners for four years and continue to provide the necessary support to them in the domain (listening, speaking, reading, and writing) if additional supports are needed.

Students in grades 3 to 12 obtaining a minimum overall score of 4.8 or P2 will be EL-exited from MSDS at the state level via an "auto-exit" process. The Exit Protocol for third through twelfth grade is summarized in TABLE 8.

Students who demonstrate a continued need for the LAP/supplemental EL services can be re-entered into the EL program.

Additional Provisions

Additional guidance is provided for the following circumstances that districts might encounter when exiting students.

Students who qualify for Special Education services and do not meet the common exit protocol requirements:

Third through Twelfth Grade (**Automatic Exit** from EL program completed by the state)
WIDA ACCESS for ELLs 2.0
Student receives a minimum composite score of 4.8 overall.   **No Rounding.**   **NOTE: All students meeting an overall score of 4.8 will be exited by CEPI automatically. No action is required by the LEA.**
WIDA Alternate ACCESS for ELLs
Student receives a minimum composite score of P2 overall.   **NOTE: All students meeting an overall score of P2 will be exited by CEPI automatically. No action is required by the LEA.**

When an English Learner has a disability, districts are required to provide both bilingual/ESL as well as special education services. Please see DOJ/OCR Dear Colleague Letter: English Learners and Limited English Proficient Parents, January 2015 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf), for more information about this and other EL services guidance. Such students are not to be exited from the EL program until they meet the state exit protocol requirements. Current accommodations include requesting test waivers from the Office of Educational Assessment and Accountability on a case-by-case basis.

The WIDA Alternate ACCESS is available for ELs with disabilities for whom the WIDA ACCESS for ELLs is not an appropriate assessment. The exit criteria for WIDA Alternate ACCESS is P2 overall composite score.

MDE urges all district personnel to adopt a collaborative and comprehensive educational approach to identifying, assessing, and placing ELs with possible disabilities. Such best practices should follow the OCR and IDEA guidance and requirements (Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990).

The DOJ/OCR Dear Colleague Letter states, "It is essential that the IEP team include participants who have the requisite knowledge of the child's language needs" and that "it is important for members of the IEP team to include professionals with training, and preferably expertise, in second language acquisition and an understanding of how to differentiate between the student's limited English proficiency and the student's disability."

Therefore, it is essential for the IEP team to include a a Bilingual/ESL certified and endorsed teacher in the pre-planning, planning, and implementation phases of such process.

This would include the academic component of the Multi-Tiered System of Supports (MTSS) process that the district can utilize for determining pre-referral interventions.

Students with an Exit Determination (Former English Learner Reclassification) from Another State

Each state is required by the United States Department of Education to have Language Proficiency Standards, a State English Language Proficiency Assessment, and Entrance/Exit requirements.

A student who is entering Michigan with an FEL reclassification or exit status from another state and who was previously considered EL in Michigan (according to coding in MSDS) may be considered FEL in Michigan if the following requirements are met:

1. Results from the previous state's English Language Proficiency (ELP) Assessment are obtained;

2. The FEL reclassification—EL exit status—is verified from school records; and

A student who has met these requirements can be exited from the Michigan district's LAP/supplemental EL services. The student must be monitored for four years following the district's FEL monitoring procedures.

If the ELP assessment records or the FEL status verification are not obtained in a timely fashion, the student remains eligible as an EL in Michigan.

In Summary

Kindergarten through twelfth-grade students are exited from the LAP services when they receive a composite score of 4.8 on the spring WIDA ACCESS for ELLs or an overall score of P2 on the WIDA Alternate ACCESS for ELLs.

Exit Protocol Scenarios

The following scenarios are provided to assist in the application of the Exit protocol.

SCENARIO 1

A first grade student scored at Bridging (5.0) level on the spring WIDA ACCESS for ELLs. The domain scores were all 5.0 as well. The student demonstrates above grade-level proficiency on all content area assessments.

Exit Decision: After discussing with the student's parents, teachers, and administration, it was decided that the student was demonstrating ELP with more complex and rigorous academic content. The district will manually exit the student from MSDS and will conduct Former English Learner (FEL) monitoring for the next four years.

SCENARIO 2

A second-grade student scored at the Bridging (5.8) level on the spring WIDA ACCESS for ELLs. The domain scores were 5.3 in listening, 5.4 in speaking, 5.8 in reading, and 5.6 in writing. The student scored below grade level on her NWEA end-of-year benchmark assessment.

Exit Decision: After discussing the results with her parents, the district determined that the student would continue to receive language assistance program services until demonstrating proficiency on the NWEA, a state-approved reading assessment, in third grade.

SCENARIO 3

Multiple Measures: A fifth-grade student received an overall score of 3.1 (Developing) on the spring WIDA ACCESS for ELLs. None of the domain proficiency scores were 4.8 or higher.

Exit Decision: The student did not meet the protocol requirements for exiting the LAP services. She qualifies for continued LAP services in the upcoming year.

SCENARIO 4

A ninth-grade student received an overall score of 6.0 (Reaching) on the spring WIDA ACCESS for ELLs. All domain proficiency scores were 5.0.

Exit Decision: The student will be exited in the summer via the state auto exit process because the student earned at least a 4.8 overall score on the WIDA ACCESS for ELLs.

SCENARIO 5

An eleventh-grade student was assessed using the WIDA ACCESS for ELLs and received an overall score of 4.8 (Bridging.) Her domain proficiency scores were 4.7 in listening, 6.0 in speaking, 5.1 in reading, and 5.2 in writing.

On July 2 of the same year, she was exited via the state auto-exit process from EL services and reclassified as FEL (Former English Learner) since she demonstrated English language proficiency on WIDA.

Exit Decision: The district EL Director and high school administrative team will monitor her progress during the next year. The FEL monitoring will be for one year instead of the required four years because she will be in twelfth grade and is expected to graduate.

FEL Monitoring Process

Former English Learner Students

Former English Learner (FEL) students are those students who have met the exit protocol requirements and been exited from the LAP/supplemental EL services, or have been reclassified and are no longer FEL eligible. FEL includes those English Learner students who "opted out" of the LAP/supplemental EL services and then received exit status by successfully meeting the exit protocol requirements. See page 15 for the required monitoring activities of English learners who have opted out of services.

Monitoring Process

- A designated district team, including but not limited to a certified and endorsed Bilingual/ESL teacher, must meet regularly to monitor FEL student progress.
- Districts must have a plan for monitoring FEL students that utilizes local assessments to review individual student progress for four years once they are exited from services and classified as FEL.

FEL students are found to be succeeding if they maintain proficiency on local assessments. If concerns about a FEL student's academic progress are raised, a team that includes a **certified and endorsed Bilingual/ESL teacher** will meet to discuss the student's data and possible reasons for the student's academic challenges. Then, the team should choose interventions that might include re-entry into the LAP/supplemental EL services.

In its January 7, 2015 "Dear Colleague Letter," the Department of Justice and USED/OCR released the following guidance on the monitoring of exited students:

> **When a school district's monitoring of an exited EL student indicates that a persistent language barrier may be the cause of academic difficulty because general education and remediation [acceleration] services have proven inadequate, school districts should re-test the student with a valid and reliable, grade-appropriate ELP test to determine if there is a persistent language barrier and must offer additional language assistance services where needed to meet its civil rights obligations.**

FEL students experiencing difficulty can:

- be tested using the WIDA ACCESS for ELLs, Kindergarten W-APT or WIDA Screener and re-qualified for the EL comprehensive system of supports
- be assessed locally in the content area(s) which can be used to identify specific standards with which the students is experiencing difficulties; and/or
- receive support from Title I or other support services based on the needs of the student.

Note: WIDA ACCESS for ELLs may be administered only for determinations for the following school year. One possible context for the assessment would be following six months of MTSS interventions targeted at the specific standards in the content area where the student is struggling, and the team (including the Bilingual/ESL Certified teacher) determines that additional English Language Proficiency testing is necessary to assess the student's current language needs.

Inclusion of MTSS Process

Districts are strongly encouraged to use the MTSS process to obtain ongoing formative assessment information to monitor each student's progress, both EL and FEL, and to identify areas where instructional modifications and/or additional support might be needed. Such assessments should be administered to ELs only if they are research-based, standardized, and include a measure for comprehension.

Appendix

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